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Girard Vs. State of NH

Now here comes petitioner, Stephen Girard, currently incarcerated at the NH State Prison for Men in Concord, NH.

Petitioner is requesting an emergency injunction against the State of NH to be allowed the US Constitutional right to vote in the Federal election for President of the United States of America. This right is protected under the 14th Amendment - Equal Protection of Law Clause, as well as under the NH Constitution Pt. FIRST, Art. 2 - Natural Rights. This right is violated or conflicted by NH RSA Chapter 607-A Uniform Act of Status of Convicted Persons §§ 607-A:2 Rights Lost.

Argument:

Under NH RSA 607-A:2, all incarcerated felons are not able to vote nor seek a political party nomination or become a candidate for or hold public office. This is a violation of the Equal Protection clause of the 14th Amendment for the following:

A: Former President, Donald J. Trump, is a convicted felon with an appeal currently in progress. The US Constitution does not bar an individual from running for or holding the highest public office in the land, President of the United States.

However, according to RSA 607-A:2, he should not be on the NH ballot for President of the United States. RSA 607-A:2 violates the language of the US Constitution, as well as contradicts RSA 655:47 - Declaration of Candidacy which follows US Constitution Article 2, Section 1, Clause 4, for the requirements for US President. Thus the State of NH is attempting to supercede the US Constitution when it neither has the right or power to do so.

As the language of NH RSA 607-A:2 does not distinguish between local level, state level, nor federal level, by logic it is unconstitutional as it tries to apply a state law to a federal public office in violation of US Constitution, Article 2, Section 1, Clause 5 and Clause 4.

B: Incarcerated citizens are all subject to taxation on property and transactions, yet lack representation. Incarcerated citizens do not lose their citizenship by being convicted of a felony, only by treason or losing naturalization, in the case of naturalized immigrants, and through due process does an incarcerated citizen become stripped of citizenship.

One of the foundational principles of the founding of this nation was that there shall be no taxation without representation. We rebelled against, and won, against the British Empire to become the United States of America over this and other grievances.

By NH RSA 607-A:2, stripping incarcerated citizens of their right to vote, they no longer have the ability to voice their position on laws that directly affect their lives on taxation and many other aspects of their lives. As the courts apply sentences of incarceration as a form of penance for crimes, incarcerated citizens should still retain their right to vote for purposes of taxation on properties and transactions.

C: By making incarcerated citizens disenfranchised, this RSA, and similar laws in other states, are creating, in effect, a group of second class citizens, discriminated against simply because of their incarceration status. Many laws throughout US history, that were written to disenfranchise a group of people from enjoying their Constitutional right to vote (i.e. Blacks, Women, Native Americans), have been struck down as unconstitutional. This also led to the creation and adoption of Constitutional Amendments, such as being able to vote regardless of race or gender.

While serving time separated from society is just, and warranted, creating laws that disenfranchise is not. It goes against everything the Founding Fathers envisioned. It goes against human decency and allows the continued dehumanization of the incarcerated as a whole, which crosses possible 8th Amendment violations. It is easier to strip awayrights when the group it applies to is dehumanized, or viewed as lesser beings in society. It could be argued that incarcerated citizens should be awarded at least the same protections

under the Geneva Convention as a prisoner of war is afforded.

The incarcerated citizen is better served with retaining their rights in regards to rehabilitation, then to be disenfranchised.

Resolution

I pray to the Honorable Court to provide the following relief:

1. Grant an emergency injunction against the State of NH to allow incarcerated citizens to vote in the federal election for the President of the United States of America.
2. Deem NH RSA 607-A:2 as unconstitutional as currently written;
3. Grant a hearing;
4. Or provide any relief that this Honorable Court may deem just and fair.